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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fiftieth session

SUMMARY RECORD OF THE 1208th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 March 1997, at 3 p.m.

Chairman: Mr. BANTON

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Fourteenth periodic report of Panama (CERD/C/299/Add.1)

1. At the invitation of the Chairman, Mr. Ducreux, Mr. Bonagas, Ms. Lu and Ms. Manzur (Panama) took seats at the Committee table.

2. Mr. DUCREUX (Panama), introducing his country's report (CERD/C/299/Add.1), expressed gratitude for the Committee's understanding of the circumstances which had prevented the timely submission of the report. His Government attached special importance to renewed contact with the Committee and had therefore appointed a delegation composed of representatives from the main government agencies responsible for action to combat discrimination and promote racial equality in Panama.

3. Very early in its history, Panama's peculiar geographical situation as an isthmus had rendered it an ideal meeting-place of cultures where tolerance and interaction between peoples had built a society based on unity and diversity. Paradoxically, the most noticeable manifestations of racial discrimination had been directed by others against Panamanians on Panamanian soil, but fortunately that situation had been almost completely resolved.

4. He described the sociological and political structure of the country, highlighting the functions of the government departments dealing with social issues such as health, housing, education, marginalization, discrimination and equality of opportunity. Much success had been achieved at the local level through the establishment of communal "juntas" for community development. With the active participation of the members of the communities, those bodies were responsible for promoting the political, social and economic changes necessary to ensure harmony within and between communities.

5. Measures taken at the community level for the achievement of social equality and justice were supported by the work of the public authorities and the police. Special courses were organized on the protection and observance of human rights, with financial and technical assistance from the United Nations Centre for Human Rights.

6. The National Directorate of Prisons had also benefited from the attention paid to the protection for human rights, and had substantially changed its thinking on the management and operation of detention centres. That new policy was supplemented by NGO support and collaborative agreements with bodies such as the National Vocational Training Institute (INAFORP), which arranged courses aimed at the productive reintegration of prisoners, including women, into the labour market after their release.

7. In addition to the activities undertaken by the Ministry of Labour and Social Welfare and the National Office for Refugee Matters (ONPAR) for the benefit of migrants, his Government was currently discussing an Executive Decree to reinforce the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. A draft protocol on migration, designed to

simplify the process of naturalization of migrants, and a bill on migration policy, developed in consultation with the International Organization for Migration (IOM), were being studied by government authorities.

8. His Government had pursued several specific legislative measures for the advancement of women and their equal participation in the economic, political and social development.

9. There had been important achievements in the area of indigenous affairs. The Ministry of the Interior and Justice, through the National Directorate for Indigenous Policy and the National Directorate of Local Governments, had coordinated efforts at the national level to resolve the problems faced by the indigenous population. Much interest had been focused on territorial delimitation, the constitutional rights and obligations of indigenous peoples, legislation for the establishment of local governments and, above all, the preservation of ethnic identity. In that context, the National Directorate for Indigenous Policy pursued a programme of economic and social development of all ethnic communities, fully respecting and guaranteeing their political and cultural values.

10. The indigenous population of Panama was composed of approximately 195,000 persons in three main ethnic groups, with settlements in five provinces and one district (comarca). The indigenous population accounted for 8.3 per cent of the total population. National legislation had now created four comarcas, covering 18 per cent of the country's land area. That legislation guaranteed the rights of collective ownership of indigenous territories, and continuity and respect for indigenous forms of government and production.

11. Regional Coordination Councils had been set up to prepare integrated development plans and the Government recognized the General Congress of the Comarcas as the supreme body for ethnic and cultural expression and decision-making for indigenous people. Nevertheless, the decisions of the Congress were required to conform to constitutional principles and the laws in force in the Republic. The Government also recognized the traditional authorities of the comarcas, including the hierarchy of chiefs and community spokesmen who were elected by the communities themselves. At the same time, the Government guaranteed budget allocations for administration, investment and the overall development of the comarcas and their resources.

12. In the development of natural resources, the Panamanian Government had made legislative provision for environmental-impact studies prior to the exploitation of resources within the comarcas. Those studies must be submitted to the indigenous authorities for comment. The Government had also considered the establishment, with the participation of indigenous representatives, of a Commission for the Development of Tourism.

13. Turning to the subject of labour, he said the Government had adopted a number of legislative measures to modernize labour relations. Faithful compliance with the existing labour laws had created a climate of social peace in Panama.

14. In recognition of the role of education in promoting respect for, and protection of, human rights, special emphasis had been placed on the teaching of human rights and the enjoyment of fundamental freedoms. The Commission to Promote Human Rights Teaching and Learning, established with the assistance of NGOs, the Inter-American Centre for Human Rights, UNESCO and UNICEF, had boosted the Government's efforts in that area. The Government had also recognized that social marginalization could result from indirect discriminatory practices and had funded a number of fellowships and grants through the Human Resources Training and Management Institute.

15. In conclusion, he drew attention to the most recent expression of the commitment of the Panamanian Government to the protection and enjoyment of human rights, namely the enactment in December 1996 of a law by the Legislative Assembly creating the Office of Ombudsman.

16. Mr. FERRERO COSTA (Country Rapporteur) expressed appreciation for the Panamanian Government's resolve to engage in a high-level dialogue with the Committee. He expressed satisfaction at the establishment of the Office of Ombudsman for human rights issues and the important measures taken with respect to indigenous populations and the rights of women. Although the report had complied with the guidelines established by the Committee, there was still an important need for specific information on Panama's compliance with certain articles of the Convention. He expressed the hope that the unanswered questions raised by the Committee on earlier occasions would be addressed at the present session or in a subsequent report.

17. He wished to reiterate a request made by the Committee for accurate statistics on the ethnic composition of the Panamanian population. Information submitted to the Committee from various sources was inconsistent with the Government's claim of a total indigenous population of 195,000, indicating that the figure was substantially higher. The Committee was also interested in receiving accurate information on the indigenous population's ethnic composition. He drew attention to the important constitutional provisions intended to preserve the identity of indigenous people, notably articles 19, 84 and 86.

18. Referring to the administrative organization of indigenous peoples, he asked for confirmation of the number of indigenous comarcas and asked for an explanation of the distinction between comarcas and provinces. He was curious to know whether the rights of indigenous people living in comarcas differed from those of indigenous people in provinces. Referring to the oral presentation and the "indigenous congress", he asked for a detailed explanation of the legal scope of decisions adopted by that congress. He also asked whether the decisions had effective value, in view of the fact that they must conform with constitutional principles. To what extent were indigenous people living in the comarcas able to approve legislation or decisions formulated in the indigenous congress?

19. Information would also be welcome on relations between chiefs (caciques) in the indigenous comarcas and national leaders. The report contained detailed information in paragraphs 2-37 on institutions belonging to the executive branch of government and development plans and projects. However,

it would be interesting to know more about how the municipalities functioned in the comarcas and what the Directorate-General for Community Development did specifically to help the comarcas.

20. He asked for details on current indigenous policy in the National Development Plan and whether the National Directorate for Indigenous Policy was responsible for studying, maintaining and promoting the culture of indigenous populations. The Committee would welcome information on how much of the national budget and international funding was allocated to promoting and developing programmes for indigenous populations. It would also like to know which State body was responsible for coordinating the activities of the host of institutions mentioned in the report and the oral introduction.

21. There were major problems facing the indigenous communities in Panama which had been glossed over in the report and the introduction, not least the demarcation of boundaries of comarcas such as Cuna Yala, whose population had never recognized the boundaries drawn up between it and Colón province. There were reports that the Government had set up a tourist centre in Cuna Yala which had drawn protests from the local community. He invited the delegation to confirm or refute the reports and provide information on measures taken by the Government to settle boundary disputes and on negotiations on the demarcation of the indigenous comarca of Ngobé-Buglé.

22. A further problem was the granting of mining concessions to private companies to operate in indigenous territories, to the displeasure of the local communities thus affected. The General Congress of Cunas had gone as far as to state publicly that it repudiated the Government's anti-indigenous policy. Information on the situation should be provided.

23. He wondered whether there were any new developments in relation to a government decision on whether or not to sign the ILO Convention concerning Indigenous and Tribal Peoples (No. 169).

24. The Committee would welcome statistical information on the ethnic composition of the population of Panama, given its multiracial character, and how and if members of minority ethnic groups, such as Asians and Chinese, were discriminated against. Further information was also needed on the composition of the black population, on where its members lived in Panama and on levels of poverty among them.

25. Turning to the question of refugees and immigrants, he requested that the Committee should be provided with full statistical details of the number of refugees and immigrants in Panama, information on measures taken to protect them, their status, how many people were refused refugee status and why. It was surprising that only 752 refugees had requested protection, as mentioned in paragraph 26 of the report, given the situation in Central America in the 1980s.

26. He invited the delegation to comment on Panama's implementation of article 3 of the Convention since, apparently, there was wire-fencing marking the boundaries of the indigenous comarca of Cuna Yala, which could be interpreted as an attempt to segregate the community.

27. With regard to article 4 of the Convention, the Panamanian Constitution contained important provisions prohibiting racist associations and political parties. However, the Penal Code did not explicitly sanction acts and organizations that incited racial discrimination but merely provided for penalties for persons who committed human rights violations in breach of international instruments to which Panama was a party (10 to 15 years' imprisonment) or persons who impeded compliance with such instruments (1 to 3 years' imprisonment). He asked whether any cases had come to court on the basis of those provisions and why there was such a difference in the sentences for the two offences. Panama should consider enacting specific legislation fully to comply with article 4 of the Convention.

28. Turning to article 5 of the Convention, he said that although there was a great deal of information on areas relating to paragraph (e) (i) and (ii), there were no details on the enjoyment of other economic, social, cultural and political rights. Additional information on the situation of indigenous communities and the black and Asian population, in terms of access to decent housing, drinking water, health, education and the other rights mentioned in article 5, should be supplied. Many of the questions raised by the Committee during consideration of previous reports relating to the situation in the Canal Zone seemed to have been answered, although the information provided indicated that there were still problems of discrimination in terms of employment and occupation in the Zone and that the Government remained unable to implement all the provisions of the Convention there. What exactly was the position of Panamanian workers in the Canal Zone and had the Government taken any measures to deal with the problems that still seemed to exist?

29. Information on measures to promote bilingual education among the indigenous population should be provided, as should clarification of whether there was any conflict in the education system between the use of Spanish in schools, as the official language of the State, and the provision of bilingual education.

30. The report made no mention of implementation of article 6 of the Convention, an omission which should be rectified in the next periodic report.

31. The establishment of the office of ombudsman was a welcome development. However, more details were needed on the competence and role he or she would have.

32. It seemed that the administrative human rights proceedings mentioned in the core document (HRI/CORE/1/Add.14/Rev.1) related only to civil and political rights, which raised the question how alleged violations of economic, social and cultural rights were dealt with and how the system operated in practice across the country. He asked whether all citizens of Panama were equally able to seek legal redress for human rights violations, including in the comarcas, and how the judiciary was organized in those areas. Furthermore, was Spanish the only language used in the courts? If so, was interpretation provided free of charge? He also asked for details of administrative and judicial remedies for workers in the Canal Zone.

33. He welcomed the fact that human rights education was compulsory in schools in Panama and asked how the community project entitled "Tolerance and

education for democracy, human rights, peace and development" was progressing. He wondered if the Convention and other international human rights instruments had been translated into any indigenous languages, and if there were human rights training programmes for law enforcement officials in Panama. Lastly, he asked if the Government of Panama had given any further consideration to making the declaration under article 14 of the Convention.

34. Mr. VALENCIA RODRIGUEZ welcomed the policy followed by Panama to improve the social and economic situation of the indigenous population, immigrants and refugees. Noting that paragraphs 14 and 36 referred to those provisions of the Constitution that were relevant to the Convention, he said that more specific information would nevertheless be useful to explain the relations between those provisions and the Convention.

35. He stressed the importance of the National Office for Refugee Matters (para. 24). Concerning paragraph 28, it would be useful to have further information on the protection given to refugees so as to determine to what extent the Convention was applied to them. Also, how many refugees were currently in Panama, and what countries did they come from?

36. Turning to paragraph 33, he noted with interest the commitments undertaken by Colombian and Panamanian institutions involved with indigenous questions, and in particular those described in subparagraphs (b)-(d). How had those commitments been put into practice?

37. In connection with paragraph 35, he sought further clarification of the activities of the Intergovernmental Commission for the Development of the Ngobé-Buglé Region and the creation of the Emberá-Wounaan comarca. What was the indigenous population of the comarcas mentioned? And what measures had been taken to promote their socio-economic advancement?

38. He requested additional information on how the provisions of the Constitution, the Penal Code and the decision referred to in paragraph 45 met the obligations stemming from article 4 of the Convention and how they were applied in practice.

39. With regard to relations between Panama and the United States, discussed in paragraph 78, he wondered whether, insofar as the United States had acceded to the Convention, Panama might consider making use of the procedure under article 11 in connection with cases of discrimination in the labour sphere against Panamanian employees in the Canal Zone.

40. Mr. de GOUTTES, beginning with a general comment, said that much of the report of Panama contained information which concerned not so much the Convention, but rather the International Covenant on Political and Civil Rights.

41. He had only a few specific questions. Regarding paragraph 46 of the fourteenth report, which stated that no charges or complaints had been lodged with the Ministry of the Interior and Justice concerning any kind of racial discrimination, he asked whether that Ministry was competent to receive such complaints in addition to the judiciary. He would also like to know why there had been no complaints. Was it due to inadequate legislation punishing racial

discrimination, ignorance of the law on the part of victims, mistrust of the police, or inertia in the police and the courts with regard to that type of offence? He sought further clarification from the delegation of Panama.

42. The absence of any complaint was all the more surprising, given that certain NGOs maintained that indigenous peoples were still the victims of human rights violations, particularly within the framework of conflicts with landowners and mining companies. For example, according to the 1996 report of Amnesty International, magistrates in the province of Chiriquí had reportedly punished Guayamí men, women and children involved in land claims by binding them to stocks for periods of up to five days; higher authorities in Chiriquí had apparently been aware of the practice but had done nothing to stop it. It was also alleged that nine Guayamís, including a 12-year-old boy and a pregnant woman, had been briefly arrested without warrant during a demonstration against incursions by mining companies. He asked the Panamanian delegation to comment on those reports.

43. Mr. BONAGAS (Panama) said that he would attempt to give an immediate reply to some of the questions asked by members of the Committee.

44. With regard to the question on the comarcas, he acknowledged that there might be some confusion in the report. In 1925, Panama had created the first indigenous comarca, the comarca of Cuna Yala, which effectively had the same powers as a province. It was probably the only case in Latin America of territorial segregation for one particular ethnic group, in that case the Cunas. Later, to meet the needs of the indigenous populations elsewhere, Panama had established comarcas in other provinces: Emberá-Wounaan (1983), Magungandí (1996) and Ngobé-Buglé (January 1997), the latter created for the Guayamí ethnic group.

45. Most, but by no means all, indigenous persons lived in the comarcas. At present, 18 per cent of the national territory was set aside for indigenous groups, which made up 8.3 per cent of the total population. By way of comparison, the non-indigenous population lived on one third of the national territory.

46. In response to another question, he said that his Government had no policy of fencing off those territories: even if it had, it would be financially impossible, given their size. There were, however, a few cases of comarcas in which certain areas were fenced off for purposes of livestock farming.

47. Some of the indigenous populations were nomadic, and that gave rise to a number of minor territorial disputes over demarcation lines, because the indigenous population had moved beyond the areas set aside for them. But in most cases, the indigenous population lived in more remote areas, along the border with Colombia, whereas the non-indigenous population was concentrated in the central zone, around the Canal and the city of Colón. The demarcation line decided upon a couple of months previously in the comarca of Ngobé-Buglé would make it possible to resolve most of the remaining minor territorial disputes. His Government would continue to give those questions the greatest attention in the future.

48. It was true that there was no national entity to oversee such efforts. The body which most often dealt with such questions was the Ministry of the Interior and Justice. His Government had recognized the need to overcome that deficiency. Many initiatives had been taken on behalf of the indigenous population, but they had not had sufficient impact because they were not well-coordinated, particularly in the current difficult economic context.

49. In connection with the request for information on police training in the protection of human rights, he was pleased to report that two such projects were currently under way in Panama. Firstly, in conjunction with the Centre for Human Rights, Panama had received US\$ 103,000 to fund the sending of experts to train 100 police monitors, who in turn would teach some 5,000 police officers. Secondly, Spain had funded a project designed to reach a target group of a similar size. It was to be hoped that in two years, 85 per cent of police officers in Panama would have received such training.

50. The Panamanian Academy for Police Training currently offered a course on the protection of human rights for police officers.

51. Reference had been made to the part of the report concerning labour discrimination in the former Canal Zone. It should be pointed out that there had been growing participation by Panamanian nationals in the running of the Canal, whose entire administration and operations would be transferred to Panama on 31 December 1999. Thus, the situation had changed considerably. In December 1996, 92.1 per cent of the labour force operating the Canal had been Panamanians and only 7.3 per cent United States nationals, the remaining 0.6 per cent being nationals of other countries. Hence, for all intents and purposes, the problem of labour discrimination had been overcome.

52. With regard to the amendments to Act No. 96/70, he said that the Act was still in force but another law had been passed which had facilitated the work of the bi-national board directing the Canal and had had a positive impact on preparations for the transfer of the Canal's activities to the Panamanian Government.

53. Ms. LU (Panama), replying to questions on refugees, said that in 1977, Panama had approved the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. The body established to deal with such questions, the National Office for Refugee Matters, a branch of the Ministry of the Interior and Justice, worked closely with the United Nations High Commissioner for Refugees (UNHCR).

54. Persons who, upon their arrival in Panama, had a well-founded fear of persecution in their countries of origin were interviewed by a legal adviser and a social worker to determine why they were seeking asylum in Panama. If they met the necessary conditions, their request was approved and they were provided with documents valid for six months. The National Commission, which met regularly to examine and take decisions on requests for refugee status, was made up of representatives of the Ministry of the Interior and Justice, the Ministry of Foreign Affairs, the Ministry of Labour, the Red Cross, the National Directorate for Migration and Naturalization, the National Police and UNHCR. In the event of rejection, a person could still request his or her case to be reconsidered. Even after a second rejection, it was still possible

to appeal directly to the Legal Adviser's Office within the Ministry of the Interior and Justice; the Minister's decision was final. The programme of assistance to refugees was currently financed by UNHCR under a bilateral agreement with Panama.

55. In the past, refugees in Panama had come primarily from Central America for reasons associated with military conflict, but as the region had embarked upon a process of democratization, there had been a substantial drop in their numbers, many persons having returned home or married Panamanian nationals. Any person granted refugee status was entitled to a work permit. All told, there were currently some 800 refugees in Panama, mainly from Nigeria and Liberia.

56. Mr. BONAGAS (Panama), replying to a question on other minorities in Panama, said that it was difficult to give a breakdown on Asians and Blacks, because Panamanian statistics did not differentiate on that basis. But he could assure the Committee that persons from those groups were well integrated in Panama.

57. In reply to a question on political representation, he pointed out that Panama had 40 electoral districts, five of which were situated in the territories of the indigenous population; pursuant to a recent decision, another two electoral districts would be assigned to that population. The number of seats held by indigenous persons in Parliament was commensurate with the size of the indigenous population. He had no information on the share of the national budget earmarked for indigenous activities; to his knowledge, there was no such breakdown.

58. Mr. DUCREUX (Panama) said that, with adoption of the Act establishing the comarca of Ngobé-Buglé, the Intergovernmental Commission for the Development of the Ngobé-Buglé Region, which had drafted the Act, was responsible for managing and coordinating policies and action to protect the indigenous population. The establishment of the Commission provided a good opportunity for gaining a deeper understanding of indigenous problems, and had been an important step towards implementing the provisions of ILO Convention No. 107. Very few States had ratified ILO Convention No. 169 and it was noteworthy that Panama was moving in that direction.

59. On the subject of immigrants to Panama, a decree had been passed following an agreement between Colombia and Panama to the effect that all Colombians residing in Panama, amounting to some 20,000 in the border area, automatically had the right to settle freely in Panama. Efforts were being made through the National Directorate for Migration and Normalization to legalize the situation of immigrants, and to provide them with work permits.

60. In response to questions about the status of workers in the Canal Zone, he said it should be borne in mind that all workers in the Canal Zone, whether Panamanians or not, came under the regime established by the United States Government. The Panamanian Government did not therefore have the legal authority to intervene in resolving the problems of Panamanian workers in the Zone until authority was transferred to Panama on 31 December 1999. On the subject of wage differentials between United States and Panamanian citizens working in the Canal Zone, the disparity was largely due to the fact that

United States citizens received an additional bonus amounting to some 20 per cent of their wages when they worked in a foreign country.

61. Mr. BONAGAS (Panama), referring to the question of bilingual education for indigenous populations, said that as a result of major changes in the education system in the 1970s and early 1980s, including education in indigenous mother tongues, a pilot project had been developed for education in the three main indigenous languages in cooperation with UNESCO, covering curriculum content, teacher training and the preparation of textbooks and reading materials. Lack of resources had, however, largely prevented extension of the project, although the Cuna community now benefited from mother-tongue education at the primary level, with secondary education in Spanish.

62. The black population could be divided into two groups, the first consisting of a very small number of black persons who had been brought in as slaves during the Spanish colonial period and were now totally assimilated. The second, much larger group had come to Panama at the time of the building of the Canal and its members were mostly of Caribbean origin. Although they had been basically English-speaking, they had learned Spanish, which was now their cultural frame of reference. They were to be found in the transit zone between Panama and Colombia and much progress had been made in overcoming their marginalization. They were fully integrated and there was very little evidence of discrimination against them. They held posts in both the public and private sectors, at all levels. In the poorer areas, he was not aware of any particular discrimination against the black population. Persons of Asian origin were also well integrated.

63. He was willing to provide the Committee with the very voluminous document setting out the provisions of the Act establishing the comarca of Ngobé-Buglé. Although it had been designed specifically for the comarca in question, the Government had pledged to apply those provisions to all other comarcas that were subject to less favourable provisions. The text marked a radical change, in keeping with the Government's commitment to improving the lot of indigenous people, and covered a wide range of issues, from rights and regulations, the environment and exploitation of natural resources to new institutional structures and the division of responsibility between various authorities. He assured the Committee that its conclusions would be carefully studied and efforts would be made to incorporate the provisions of the Convention into domestic legislation, an area in which much clearly remained to be done.

64. Ms. LU (Panama), responding to questions about how the comarcas were administered, said that the national authorities worked in close cooperation with the traditional authorities in matters of concern to them. No local development project would be undertaken, for instance, without prior consultation with the spokesmen for the communities concerned, such as the General Cacique of the Ngobé-Buglé comarca. Many projects were managed by the indigenous peoples themselves, an example being a large-scale rural project financed and partly supervised by the International Fund for Agricultural Development (IFAD) in Ngobé-Buglé.

65. Mr. BONAGAS (Panama), referring to the relationship and division of authority between the caciques, representatives in the National Assembly of Representatives of Administrative Districts and those of the indigenous congresses, said that in practice, the caciques were the spokesmen for the needs and interests of the comarca in the Assembly and other institutions and it was they who effectively decided on the application of the law in the comarcas. Any decision or economic activity must be approved by the indigenous Congresses, and the Government took no decisions overriding those approved by the communities themselves.

66. On the subject of mining operations, reference had been made to a problem involving a Canadian mining company in the Cuna Yala comarca. No contracts for mining in that comarca had been granted and to his knowledge there was no such operation. Negotiations were under way, however, for a mining contract in the Ngobé-Buglé comarca. The law entitled the indigenous communities to take part in environmental impact studies connected with the exploitation of resources in the comarca, and their interests and views would be the first to be taken into account. Any proceeds from such an operation would be earmarked for the development of the comarca as a matter of priority.

67. Amnesty International's report of alleged mistreatment of a mother and child was somewhat inaccurate. There had been a case in which two or three indigenous persons had been imprisoned for blocking a major highway, but members of their families who, as was customary, had accompanied them, had waited outside the prison and had not been incarcerated with them. Although there were very few cases of violent confrontation with members of the indigenous population in Panama, it was recognized that a few such incidents had occurred. One such case had involved the burning of a vehicle in protest against a mining operation outside a comarca several years previously. In a more recent incident, an official car had been attacked but the alleged offenders had been released and the case dropped.

68. The comarcas were divided into districts and municipalities (corregimientos), each with their own local board or council (junta) responsible for planning social and community services and facilities. Prior to the introduction of the comarcas, there had been separate districts for the indigenous and non-indigenous population in areas inhabited by indigenous communities; where the indigenous community was in the majority, the mayor would be a member of that community. As a result of the new laws governing the comarcas, new, entirely indigenous districts with their corresponding institutions and authorities would be set up. Regarding responsibility for community development, the role of the local councils was crucial in determining needs, whereas the government department concerned played a role of coordination and assistance and set priorities within the broader context of development needs for the whole population; such would be the case, for example, in decisions to undertake civil engineering works or establish health centres.

69. Originally, the National Directorate for Indigenous Policy established under the Ministry of the Interior and Justice had concentrated its efforts on

specific issues relating to the indigenous population as they arose, and particularly on settling disputes, but with time, its functions had expanded to include close cooperation with the traditional authorities through their representatives in the National Assembly, supporting their work and catering for indigenous needs.

70. As a result of its origins and history and the continual intermingling of persons of different ethnic and racial origins, Panamanian society was truly integrated. No typical physical type could be discerned. The Government was aware, however, that some sectors of the population, especially the indigenous people, needed special support in order to bring their standard of living up to a level that was at least comparable with that of the rest of the population.

71. The CHAIRMAN said that the Committee would agree that Panamanian society was heterogenous in regard to its genetic composition and there was no association between genetic and social characteristics.

72. Mr. YUTZIS welcomed the resumption of the dialogue with Panama and expressed the hope that the delegation's oral responses would be incorporated and elaborated upon in writing in the next report. He hoped that the next report would also respond to several additional comments. The first concerned paragraph 34 of the fourteenth report. He would welcome more information on the outcome of the meeting referred to in that paragraph, which concerned the important question of emerging, alternative economies in the new global economic order. Secondly, with reference to paragraph 51, he particularly welcomed the inclusion in the Constitution of the statement that work was a right. Thirdly, with regard to paragraph 20 (a), (b) and (c), he requested data on the proportion of indigenous persons in the prison population, and asked what measures were being taken regarding members of indigenous groups held in detention.

73. Mr. FERRERO COSTA, welcoming the resumption and frankness of the dialogue with the State party, expressed the hope that full replies to all the questions asked would be given in the next report, due in 1998. To be able to assess fully Panama's implementation of the provisions of the Convention, precise data were needed on the ethnic breakdown of the population, the legal structure of Panama, the differences between provincial and comarca authorities and the functions of the caciques and the indigenous congresses. Two specific issues which called for investigation and clarification were the question of the land borders of indigenous territories and that of problems relating to mining operations in indigenous areas. A useful and reliable source of information lay in the publications of the international working group on indigenous affairs (IWGIA). More information was needed about groups of Asian origin and the problem of migrants and refugees. The next report should also include details of the implementation of articles 4 and 5 of the Convention through the relevant provisions of the Constitution and the Penal Code. Further information on the forthcoming appointment of an ombudsman

would also be appreciated. He looked forward to a full response in the next report, which should be prepared in accordance with the Committee's guidelines.

74. Mr. DUCREUX (Panama) assured the Committee that its comments and questions would be thoroughly studied. Panama had gone through a difficult period, but he hoped that, with its economic recovery and opening-up to world trade, it would be in a better position to implement the Convention more fully and that its next report would reflect the progress made.

75. The CHAIRMAN expressed the Committee's appreciation for the resumption of the dialogue with Panama and for its helpful written and oral submissions.

The meeting rose at 6 p.m.